

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

INNOVATION VENTURES, LLC; LIVING
ESSENTIALS, LLC; and INTERNATIONAL IP
HOLDINGS, LLC,

Plaintiffs,
-against-
ULTIMATE ONE DISTRIBUTING CORP., ET AL.,
Defendants.

12-cv-05354 (KAM-RLM)

**STIPULATION AND PROPOSED
ORDER (RE: NON-OPPOSITION
TO DEPOSITION OF JOSEPH
SHAYOTA AND ADRIANA
SHAYOTA AFTER DISCOVERY
CUT-OFF)**

I. RECITALS

WHEREAS, on December 20, 2013, the Midwest Defendants (“Midwest”) through their counsel served Joseph Shayota with a Re-Notice of Deposition to appear and be deposed on January 15, 2014 and Adriana Shayota with a Re-Notice of Deposition to appear and be deposed on January 16, 2014;

WHEREAS, Joseph and Adriana Shayota (“Shayotas”) contend they will be unavailable to appear on January 15 and 16 of 2014 respectively;

WHEREAS, all parties to this stipulation are in agreement that Midwest may re-notice the depositions of the Shayota’s after the discovery cut-off;

WHEREAS, Adriana Shayota agrees to appear, absent exigent circumstances, for her deposition on February 5, 2014;

WHEREAS, Joseph Shayota agrees to appear, absent exigent circumstances, for his deposition on February 6, 2014;

WHEREAS, the discovery cut-off in this action is January 17, 2014;

WHEREAS, all parties have agreed that they will not object to Midwest taking the depositions of the Shayota's after the discovery cut-off of January 17, 2014;

WHEREAS, all parties to this Stipulation are in agreement with the rescheduled deposition dates of February 5 and 6 of 2014;

WHEREFORE, Midwest and the Shayota's now stipulate, and request that the Court enter the present stipulation as a stipulated order in this case, as follows:

1. The depositions of Joseph and Adriana Shayota may proceed on February 5 and 6, 2014, even though such dates are after the January 17, 2014 discovery cut-off in this action.

IT IS SO STIPULATED

Dated: January 8, 2014

SELTZER CAPLAN MCMAHON VITEK

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Shayota

Dated: January 8, 2014

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Counsel for the Midwest Defendants

PURSUANT TO THIS STIPULATION, IT IS SO ORDERED.

Dated: _____

UNITED STATES DISTRICT JUDGE